

**JOHN R. LEY, LLC***Attorneys at Law*

5299 DTC Boulevard, Suite 610  
Greenwood Village, Colorado 80111-3321  
(303) 740-9000 · Fax (303) 740-9042  
Ley IP Law @ AOL.Com

John R. Ley  
L. Jon Lindsay

Patent, Trademark  
and Copyright Matters

**TO :** Examiner Winnie S. Yip  
United States Patent and Trademark Office

**FAX NO. :** (703) 872-9326

**DATE :** December 3, 2002

**FROM :** L. Jon Lindsay  
Registration No. 36,855

Attorney Docket No. 231.301

In re the Application of: Peter Simonelli and Michael Simonelli

Serial No: 09/874,801

Date Filed: June 5, 2001

For : Moisture and Condensation Barrier for Building Structures

**MESSAGE :** Attached please find the following documents regarding Serial No. 09/874,801:

1. Certificate of Transmission;
2. Amendment Transmittal;
3. Amendment and Response to Office Action dated September 3, 2002; and
4. Two (2) Sheets of Drawings.

This facsimile transmission will contain 21 pages, including this cover sheet. Please call Nathalee Porter at (303) 740-9000 if you experience difficulties receiving any portion of this transmission.

**CONFIDENTIALITY NOTICE**

***This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the documents.***

PATENT  
Attorney Docket No. 231.301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Peter Simonelli and Michael Simonelli )  
Serial No. 09/874,801 ) Group Art Unit: 3637  
Filed: June 5, 2001 ) Confirmation No.: 5916  
For: Moisture and Condensation Barrier for ) Examiner: Winnie S. Yip  
Building Structures )


CERTIFICATE OF TRANSMISSION

Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

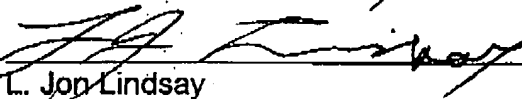
Sir:

The undersigned hereby certifies that the attached Amendment Transmittal Letter; Amendment and Response to Office Action dated September 3, 2002; Two (2) sheets of drawings; and Certificate of Facsimile Transmission, relating to the above application, was transmitted by facsimile to Examiner Winnie S. Yip at (703) 872-9326 on this 3rd day of December, 2002.

12/3/02  
Date

  
Facsimile Operator

12/3/02  
Date

  
L. Jon Lindsay  
Registration No. 36,855  
ATTORNEY FOR APPLICANT

FAX RECEIVED

DEC 03 2002

GROUP 3600

Official

JOHN R. LEY, LLC  
5299 DTC Boulevard, Suite 610  
Greenwood Village, Colorado 80111-3327  
Telephone: (303) 740-9000  
Facsimile: (303) 740-9042

AMENDMENT TRANSMITTAL LETTER

IN RE THE APPLICATION OF: Peter Simonelli and Michael Simonelli

SERIAL NO: 09/874,801

DATE FILED: June 5, 2001

FOR: Moisture and Condensation Barrier for Building Structures

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

TRANSMITTED HERewith IS AN AMENDMENT IN THE ABOVE-IDENTIFIED APPLICATION

[X] Amendment and Response to Office Action dated September 3, 2002  
[X] 2 Sheets of Drawings

FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

	(COL. 1) CLAIMS REMAINING AFTER AMENDMENT	(COL. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(COL. 3) PRESENT EXTRA	SMALL ENTITY			LARGE ENTITY	
				RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL:	29*	- 27	2**	X \$9 =	\$18.00	OR	X \$18 =	\$0.00
INDEP:	6*	- 5	1***	X \$42 =	\$42.00	OR	X \$84 =	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS				+ \$140 =		OR	+ \$280 =	
ADDITIONAL FEES				TOTAL:	\$60.00	OR	TOTAL:	\$0.00

\*IF THE ENTRY IN COL. 1 IS LESS THAN THE ENTRY IN COL. 2, WRITE "0" IN COL. 3.

\*\*IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 20, WRITE "20" IN THIS SPACE.

\*\*\*IF THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" IN THIS SPACE IS LESS THAN 3, WRITE "3" IN THIS SPACE.

THE "HIGHEST NUMBER PREVIOUSLY PAID FOR" (TOTAL OR INDEPENDENT) IS THE HIGHEST NUMBER FOUND FROM THE EQUIVALENT BOX IN COL. 1 OF A PRIOR AMENDMENT OR THE NUMBER OF CLAIMS ORIGINALLY FILED.

[X] PLEASE CHARGE DEPOSIT ACCOUNT NO. 12-1087 IN THE AMOUNT OF \$60.00 FOR THE ADDITIONAL FEES. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

[X] THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE PAYMENT OF THE FOLLOWING FEES ASSOCIATED WITH THIS COMMUNICATION OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 12-1087. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

[X] ANY FILING FEES UNDER 37 CFR 1.16 FOR THE PRESENTATION OF EXTRA CLAIMS.

[X] ANY PATENT APPLICATION PROCESSING FEES UNDER 37 CFR 1.17.

Dated at Greenwood Village, Colorado, this 3rd day of December, 2002.

Respectfully submitted,

  
 L. Jon Lindsay  
 Registration No. 36,855  
 ATTORNEY FOR APPLICANT
JOHN R. LEY, LLC  
5299 DTC Blvd., Suite 610  
Englewood, Colorado 80111-3327  
Telephone: (303) 740-9000  
Facsimile: (303) 740-9042

FAX RECEIVED

DEC 03 2002

GROUP 3600

Official